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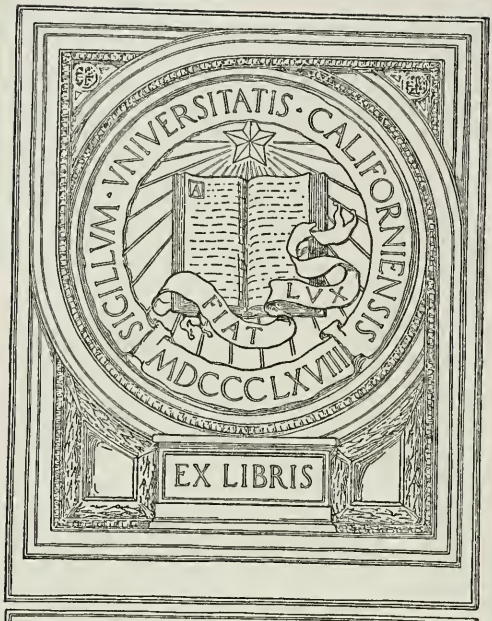

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UNITED STATES RAILROAD ADMINISTRATION.

DIRECTOR GENERAL OF RAILROADS.

WASHINGTON, DECEMBER 17, 1919.

MEMORANDA

of understandings in connection with the memorandum of the Director General, dated November 15, 1919, in regard to conditions under which time and one-half for overtime would be granted in freight service:

MEMORANDUM OF THE DIRECTOR GENERAL OF NOVEMBER 15, 1919.

The argument which at all times has been urged as a basis for time and one-half for overtime in road service is that since other classes of employees are allowed time and one-half after either 8 hours or 10 hours, it is an unjust discrimination to deny employees in road service time and one-half for overtime.

I have given the most careful consideration to this contention and I am satisfied it is not well founded. Employees in road service enjoy a method of pay which is entirely different from the method enjoyed by all other employees, because all others work exclusively on an hourly basis. Employees in road freight service have the privilege of earning their day's pay in less than the standard day, provided their train makes a better speed than 12½ miles per hour. I believe this fundamental difference in the method of allowing compensation relieves the situation of any claim of unjust discrimination in the respect indicated.

Along with this argument there is also the contention that the time and one-half for overtime is necessary as a punitive share to compel trains to be operated at a speed of not less than 12½ miles per hour. I do not believe this contention is well founded. It seems reasonably clear that a large proportion of freight trains can not be operated economically on as high an average speed basis as 12½ miles per hour, and I do not believe an absolute unqualified penalty should be imposed for failing to do a thing which can not reasonably be done.

If this matter had to be decided exclusively on the contentions which have been presented to me, I could find no justification for deciding otherwise than that time and one-half for overtime ought not to be allowed in road service.

But there is another phase of this matter which has not been presented to me in any definite way by anyone interested either for or against punitive overtime. My study of the matter, however, has brought this entirely distinct feature clearly to my attention, and I can not conscientiously dispose of the matter without giving full weight to this entirely distinct consideration.

It seems to me that those freight train employees who are habitually employed in freight service which does not rise above and generally falls below a speed basis of 12½ miles per hour do not receive a compensation which is relatively sufficient as compared with train service employees in freight service whose trains habitually make a speed of not less than 12½ miles per hour with a general tendency to make a higher basis, or as compared with employees in passenger train service. It is evident that in order for these employees in this slower freight service to earn anything like the compensation obtained in this faster freight service they must in general work exceedingly long hours, and hence that their position is relatively unfavorable.

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It seems to me that the best way to accomplish the giving of reasonable additional compensation to the employees in this slower freight service so as to remove the unjust discrimination which in a broad and general way it seems to me exists between them and the employees in this faster freight service, is on the one hand to allow time and one-half for overtime, and on the other hand to cut out in all freight service all special arbitraries and allowances of every character, including initial terminal delays and final terminal delays. I believe these steps will substantially correct the inequalities which now exist and will put the compensation for freight train service upon a much fairer basis than now exists.

I am therefore willing to establish December 1, 1919, the time and one-half for overtime in road freight service provided the train and engine men will accept such a basis in lieu of all special allowances and arbitraries of every character and will do this for the railroads as a whole.

I have no doubt that an incidental benefit arising from this course will be that it will tend to correct extreme cases of unnecessarily slow trains, although I do not believe it can or ought to result in raising all trains to the 12½-mile speed basis.

The proposition herewith made is shown in detail by the amendments on the attached copies of Supplements Nos. 15 and 16. It is the purpose of the Railroad Administration, by these amendments and by any necessary instructions, to prohibit abuses which might otherwise arise by reason of the elimination of the various arbitraries, special allowances, etc.

Time and one-half for overtime is not to be so applied as to increase the payments which will be made as a result of any held-away-from-home-terminal rule.

Quotations from letter of Director General, dated November 24, 1919, covering questions submitted by the chief executives of the four train service organizations and answers of the Director General:

Question 1. Does the proposition you gave us in any way apply to or have any effect in passenger service?

Answer. No.

Question 2. Are arbitraries and special allowances, including initial and final terminal delay, now applicable to passenger service continued?

Answer. Yes.

Question 3. Supplement No. 15, engineers and firemen, Article VII; Supplement 16, conductors and trainmen, Article VI. Will time and one-half time for overtime be paid to engine and train men in mixed service?

(*a*) Where employees are paid on passenger basis?

(*b*) Where employees are paid on other than passenger basis?

(*c*) Will it be paid to men in branch line service?

(*d*) Will it apply to other than Class I roads?

Answer. (*a*) No. (*b*) Under Supplement No. 15 where mixed service is paid freight rates and on the bases of mileage and overtime provided in revised Article VII, overtime will be paid at time and one-half.

Under Supplement No. 16 where mixed service is paid freight rates and on the bases of mileage and overtime provided in revised Article VI, overtime will be paid at time and one-half.

These answers apply to main-line service.

(*c*) (As revised Dec. 12, 1919.) It is understood that where the overtime in mixed service is calculated on the freight basis and the rates are other than passenger, overtime will be paid at the rate of one and one-half time.

(*d*) (As revised Dec. 12, 1919.) Article IX, section (*c*), applying to other than Class I roads, provides:

"* * * no change is required in the miles, hours, or service for which the former rates compensated."

It is understood that in other than passenger service overtime under the former rules accruing after the limits of a day of eight (8) hours or more will be paid at the rate of one and one-half time.

Question 4. Some railroad companies claim that work train is neither passenger, freight, nor road service. Will time and one-half be paid in work train and every other service, except passenger, regardless of name?

Answer. Revised Article XXI, Supplement No. 16, and revised Article XXII, Supplement No. 15, provide that the bases of pay which conflict with the basis provided in revised Article VI, Supplement No. 16, and revised Article VII, Sup-

plement No. 15, respectively, shall be changed to conform therewith. Work-train service or any other service, excepting passenger, which is paid under the bases provided in the two last-mentioned articles would receive time and one-half time for overtime.

Question 5. May three-crewed locals be retained on roads where the pay on one trip or day for 100 miles or less is equivalent to one and one-half day's pay (12 hours)?

Answer. The articles as revised are without prejudice to the manner in which local freight trains may be operated, and it is assumed that satisfactory local agreements can be reached as to the manner of operation. The basis of payment, however, must conform to the basis set forth in revised Articles VII and XXII of Supplement No. 15 and revised Articles VI and XXI of Supplement No. 16.

Question 6. Many western roads allow constructive mileage for mountain division or desert territory over valley rates instead of specified amounts of money. Are such differentials retained?

Answer. So-called mountain differentials are subject to different bases under the several schedules where they exist. Differentials expressed in miles appear to be more directly connected with the rate of pay than the limits of the day for computing overtime. In such cases it is not intended that they should be considered as arbitraries coming within the scope of revised Article X, and it is anticipated that the matter can and ought to be reviewed in each case in accordance with this general principle, but pending such review the mileage differentials will be continued as heretofore.

(Note.—Article XXII of Supplement No. 15 and Article XXI of Supplement No. 16 were later revised to provide for these differentials.)

As to the held-away-from-home-terminal rule inserted in revised Supplements Nos. 15 and 16, you of course recognize that the language of that rule will need correction in order to make it conform with the last paragraph of the memorandum which I handed you on November 15. This can be done when the revised orders are finally drawn, in the event the proposition is acceptable.

It also appears that section (*a*) of Article X will need to be so worded as to apply only to road service other than passenger. Such correction can also be made when the orders are finally drawn.

Quotations from letter of the Director General, dated November 25, 1919:

Articles IV and VII, Supplement No. 15—Articles V and VI, Supplement No. 16.

Question (*a*). Is there any basis other than 12½ miles per hour in freight service?

Question (*b*). Is there any other day than 100 miles or less?

Answer (*a*) and (*b*). Section (*a*) of revised Article XXII of Supplement No. 15 and of revised Article XXI of Supplement No. 16 provide that in consideration of granting overtime on the bases provided in revised Article VII, Supplement No. 15, and revised Article VI, Supplement No. 16, all rules, regulations, practices, etc., applicable to freight service which conflict with the application of the rules contained in the orders shall be changed to conform therewith. Accordingly the proposition intends that there shall be no other basis than 12½ miles per hour in freight service; and no other basis for a day than 100 miles or less.

Question (*c*). Is there any constructive mileage aside from 100 miles or less for level territory?

Answer. No. (This answer superseded by Article XXII, Supplement No. 24, and Article XXI, Supplement No. 25.)

Question (*d*). Is Boston & Maine 75-mile local abrogated?

Answer. For reasons stated under (*a*) and (*b*), yes.

Question (*e*). Will note as to final terminal delay and instructions against abuse thereof apply to initial terminal delay as well?

Answer. It has been considered that the conditions at final terminals differ materially from those at the initial terminals, and that there were not as great possibilities of improper requirements at the initial terminals as at the final terminals. Any extraordinary delay at the initial terminals would in the great majority of cases result in overtime, and the payment of overtime at time and one-half would in all probabiilty serve as a corrective. However, should it develop that improper conditions result it will be agreeable to at-

tempt to work out a reasonable rule, although it must not be overlooked that in each arbitration under which an initial terminal delay rule was requested the request has been declined and the arbitration boards have taken the position that by requiring the time to begin at the time required to report for duty the employees were assured of compensation for all the time that they contributed.

Question (*f*). Will highest rate for day be paid when two or more classes of service are performed on same day or trip?

Answer. When two or more classes of road service are performed on same day or trip there is no objection to applying the rate applicable to the highest class of service performed, with the overtime basis for entire trip applicable to the rate paid.

Reply of the chief executives of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen, dated December 3, 1919, as follows:

The following resolution was adopted by chairmen of general committees of the Order of Railway Conductors, Brotherhood of Locomotive Engineers, and Brotherhood of Locomotive Firemen and Enginemen, and rejected by the general chairmen of the Brotherhood of Railroad Trainmen, assembled at Cleveland, Ohio, November 27, 1919.

The time and one-half proposition, held-away-from-home-terminal rule, and the use of yard crews in road service in emergencies are subjects that have been pending since about October, 1918, since which time some of these organizations have filed with the Board of Railroad Wages and Working Conditions propositions for increased wages and changed working conditions, including the unsettled questions above referred to.

The Brotherhood of Railroad Trainmen at the Cleveland meeting recorded a vote of 106,726 against to 19,499 in favor of the adoption of the resolution, which follows:

"*Be it resolved*, That our chief executives be directed to notify the Director General that we are willing to accept his proposition for the payment of time and one-half for road overtime in freight service on all roads under Federal control; provided, that all initial and final terminal allowances or rules of every description in individual schedules, together with mountain differentials, and all constructive mileage allowances of every description be preserved. Terminal allowances to be paid at pro rata when the trip, including time at terminals, does not entail overtime. If overtime accrues (terminal and other time to be measured continuously), overtime at one and one-half time to be paid."

It has been the custom in the past in dealing with collective movements, such as the one in October, 1918, that a majority of the organizations voting in favor of a proposition determined the issue for all organizations parties to the cooperative movement. With that understanding, the vote of the Brotherhood of Railroad Trainmen can be considered in favor of the adoption of the resolution, because the three associated organizations voted in favor of its adoption.

As explaining the resolution quoted, the chief executives on December 2, 1919, submitted the following:

All initial and final terminal allowances of all kinds now paid independent of the trip will be continued as now; paid separately and at pro rata rate.

All initial and final terminal allowances of all kinds which are coupled with and may be absorbed by train movement exceeding the speed basis will be paid at pro rata rate when train reaches final terminal before overtime from time of going on duty accrues; if on overtime on arrival at final terminal time will be computed from time required for duty until final release and all overtime will be paid at one and one-half time. Time at final terminal up to period when overtime commences will be paid pro rata and thereafter at time and one-half time.

Understandings reached at conference held at Washington, D. C., from December 2 to 13, 1919, between the Directors of the Divisions of Operation and Labor of the United States Railroad Administration and the chief executives of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order

of Railway Conductors, and the Brotherhood of Railroad Trainmen, accompanied by a special committee composed of general chairmen of the respective organizations.

The following answers show application of the proposition to the rules as quoted or the question as submitted:

ARTICLE V, SUPPLEMENT, No. 24.

Question 1. Give examples or application of the combination of service rule as contained in the proposition submitted, as set out in the following combinations of service between terminals, which heretofore have been recognized as two services or for which special allowance has been paid.

Answer. In view of the introduction of time and one-half for overtime in freight service it is felt that Article V (*c*) of Supplement No. 24 will have to be changed. It provides that where engineers and firemen are required to perform a combination of more than one class of road service they will be paid at the rate and according to the rules governing each class of service, etc. Under this rule service may consist of passenger and freight and overtime would be paid after fractions of a day. It is not the intent to pay time and one-half in freight service prior to 8 hours on runs of 100 miles or less, or prior to the hours determined by dividing by 12½ the miles run when in excess of 100. To preserve Article V (*c*) would necessitate continuance of pro rata overtime for freight portions of the trip where less than 100 miles were run, and all passenger overtime be paid at pro rata rates. Rather than have such a complicated condition it is believed that the rule should be changed to provide that where two or more classes of road service are performed in continuous service the highest rate applicable to any class of service or to the heaviest locomotive used shall apply for the entire service, and the overtime basis applicable to such rates shall be applied. Under such a rule the through or the local freight rate being higher than the passenger rate, they would be applied according to the class of freight service performed, and the freight overtime basis would apply.

(*a*) A crew starts out in through-freight service and is called upon to do work-train service en route, or vice versa.

Answer. Two classes of service can only be involved where different rates are paid. Where the through freight and work train rates are the same, two classes of service are not involved; therefore, through-freight rates with the through-freight overtime basis would apply; where the rates are not the same, the higher rate shall apply for the entire trip.

(*b*) A crew starts out in passenger service and is called upon to do freight, work, or switching en route, or vice versa.

Answer. As will be explained under item (*c*), question 1, there is no intent to consider that switching en route will change the classification of a train. Where two or more classes of road work are performed, the passenger, freight, or work service would be combined and the entire service paid on the basis of 100 miles or less, 8 hours or less, to constitute a day; miles in excess of 100 to be paid pro rata and overtime accruing to be paid at the rate of time and one-half.

(*c*) We understand that under the combination service rule, that heretofore where switching en route has been paid for, if crews on same railroad are now called to perform switching it converts a through freight train to a local freight basis, or if heretofore through freight crews called upon to do switching at terminals, or in yards en route, and under circumstances which heretofore obtained, are called upon to do such work, that the combination service will be for each member of the crew, that which brings the most compensation; for example, the conductor would be paid the local freight rate; the brakeman on the train the yard rates.

Answer. The arbitrary and special allowances for switching at terminals are definitely dealt with under Article X as revised. Arbitraries or special allowances for switching performed on road, whether switch engines are maintained at the stations or not are intended to be eliminated, as provided in Article X (*a*), as revised. Excepting as provided under item (*d*), question 1, there is no intent that the performance of switching en route shall convert a through freight into a local freight.

The case originally submitted was as follows:

"Rules applicable to changing service en route, or two classes of service for which two days are now paid, or one day plus varying allowances, are absorbed; take the highest rate for the trip or day."

No question was presented concerning through freight crews doing switching on road or at terminals. The Baltimore & Ohio rule was mentioned, under which, if a local freight train was unable to complete its trip and a through freight train was required to do the work of the local, it receives a minimum of a day for the through freight service plus certain allowances for the local freight service. Later the following question was presented to the Director General, to which he replied as shown:

"Question (*f*). Will highest rate for day be paid when two or more classes of service are performed on same day or trip?

"Answer. When two or more classes of road service are performed on same day or trip there is no objection to applying the rate applicable to the highest class of service performed with the overtime basis for entire trip applicable to the rate paid."

It is felt that these questions and answers clearly indicate that at no time was there any thought that the performance of switching en route would change the classification of a train for purposes of pay.

(*d*) Are rules which convert a through-freight crew to a local freight basis, making 3, 4, 5 or other stops, or by doing a given amount of switching, continued?

Answer. Yes.

ARTICLE VII, SUPPLEMENT NO. 24—ARTICLE VI, SUPPLEMENT NO. 25.

Question 2. A schedule provides that work-train crews will be paid mileage going to or returning from point where work is located if cars are handled which do not belong to that service.

Answer. Article XXII, section (*a*), Supplement No. 24, and Article XXI, section (*a*), Supplement No. 25, as revised, provide that all rules, etc., which conflict with the application of the rules contained in the order shall be changed to conform therewith; therefore, the basic day and overtime would be subject to Article VII of Supplement No. 24 and Article VI of Supplement No. 25, as revised.

Question 3. A certain schedule provides that in local freight service 75 miles constitutes a day.

Answer. Article XXII of Supplement No. 24 and Article XXI of Supplement No. 25, as revised, provide that all rules, etc., which are in conflict with the application of the rules contained in the order shall be changed to conform therewith. The service would be paid for under the provisions of Article VII of Supplement No. 24 and Article VI of Supplement No. 25, as revised.

Question 4. A schedule provides for actual miles to and from place of work and payment by hour while at work. This allowance in addition to compensation as firemen on work train.

Answer. It is our understanding that the following statement in the question: "This allowance in addition to compensation as firemen on work train" refers to the time at place of work being paid separately from the mileage or time going to and returning from place of work.

The proposition intends that such rules shall be superseded by the provisions of Article VII, Supplement No. 24, and Article VI, Supplement No. 25, as revised.

Question 5. A schedule provides that freight overtime paid on schedule of train. For example, if train is scheduled for 10 hours on run of 150 miles, overtime would be paid after 10 hours.

Answer. Rule superseded. Article XXII, Supplement No. 24, and Article XXI, Supplement No. 25, as revised, require that all rules, etc., which conflict with the provisions of the orders shall be changed to conform therewith. Therefore overtime basis of Article VII, Supplement No. 24, and Article VI, Supplement No. 25, as revised, would apply.

Question 6. A schedule provides that firemen on freight runs over 150 miles are paid overtime after 12 hours. For example, on runs of 175 miles actual mileage would be allowed, with overtime after 12 hours.

Answer. Rule superseded. See answer to question 5.

Question 7. A schedule provides that engineers exclusively assigned to helper service when used for any service other than assignment will be paid

not less than 100 miles for each time so used, according to the rates and rules governing such service. Actual time in other service to be excluded in computing overtime in assigned service.

Answer. No change is required in the manner of calculating overtime in the helper service, but overtime so accruing shall be paid at time and one-half.

Question 8. A schedule provides that whenever work-train engineer makes 25 miles or over, before or after working hours, such mileage shall be computed at full freight rates. Working hours, 6 a. m. to 6 p. m., or 6 p. m. to 6 a. m. shifts. Time and mileage (25 miles or over) before or after working hours to be computed separately and paid for at through freight rates.

Engineers in wrecking service will be paid miles or hours, whichever is the greater (on the basis of 12½ miles per hour), going to or from wrecking points, and at the rate of 12½ miles per hour for all time consumed on duty at the wreck, but in no case less than one day's pay to be allowed. Time to be computed continuously from time required to report for duty at terminal until he reaches terminal, unless tied up under the law.

Answer. Covered by answer to question 2.

ARTICLE VII, SUPPLEMENT No. 25.

Question 9. A schedule provides that regular assigned crews on local freight trains will be paid for each calendar working day held, when not called for their runs out of home terminal and will not be used in other service until extra board has been exhausted.

Answer. Not affected. See also answers to questions 60, 61, and 62.

ARTICLE IX (*a*), SUPPLEMENTS NOS. 24 AND 25.

Question 10. On a certain railroad schedule contains special provisions for service between certain points, some of which are between terminals and intermediate points and some between branch line terminals. The distances range from 59 to 94 miles one way. Regardless of whether the service is operated as single trips or round trips, trip rates of 100 miles are paid for each single trip, and overtime calculated on the basis of 100 miles when single trip is run or 200 miles when round trip is run.

Answer. The mileage of the runs described is less than 100 in each case, ranging from 59 to 94 miles. The schedule definitely shows these runs to be specified and the rates to be per trip.

It appears that these trip rates clearly come within the provisions of Article IX (*a*), which requires that such rates shall be superseded by the mileage basis. In the application of the mileage basis the rates of the order are required to be applied, but the earnings for the round trip may not be less than the combined earnings of the trip rates. For illustration, between A and B the distance one way is 63 miles; doubled, 126 miles. Prior to General Order No. 27, one way, $4.10; doubled, $8.20. Under General Order No. 27, one way, $4.94; doubled, $9.88 ($9.88 retained as minimum compensation for trip). Under Supplement No. 25, 126 miles at $0.054 equals $6.80. Under Supplement No. 25, 126 miles on 12½ miles per hour basis equals 10 hours 5 minutes. Proposed overtime rate, 3/16 of $5.40, equals $1.01¼ per hour. Difference between 126 miles under Supplement No. 16 at $0.054 per mile and guaranteed minimum of $9.88 equals $3.08; $3.08 divided by new hourly overtime rate of $1.01¼ equals 3 hours 2 minutes. Adding 3 hours 2 minutes to the mileage overtime limits (10 hours 5 minutes) equals 13 hours 7 minutes. Therefore the former combined earnings on trip basis amounting to $9.88 is retained, but the conductor under the mileage basis of Supplement No. 25 must make 126 miles and 3 hours 2 minutes overtime (total 13 hours 7 minutes on duty) before $9.88 is absorbed; hence time and one-half begins after 13 hours 7 minutes.

Question 11. A schedule provides when engineers may be used for making one round trip from the initial terminal to turnaround point and return. In this case the mileage between the initial terminal and the turnaround point shall not exceed 75 miles. If mileage on the trip is 150 miles or less, continuous mileage will be allowed, with a minimum of 100 miles. If mileage on the trip is more than 150 miles, a minimum of 200 miles will be allowed.

If an engineer on turnaround work is relieved at any place or time while engaged in making trip, the day's work will be considered completed.

Answer. It is understood that the effect of this rule is that turnaround runs at turning points 75 miles or less from the initial point shall be paid actual mileage

with a minimum of 100; when turning at points exceeding 75 miles from the initial point, 100 miles in each direction shall be paid.

With this understanding of the rule, it is retained.

Question 12. A schedule provides that on turnaround runs actual mileage for round trip will be paid, unless detention at turning points amounts to 5 hours or more. In such cases 100 miles each way will be allowed on basis of 8 hours to the 100 miles.

Answer. The rule apparently defines conditions under which turnaround service may be operated, and when the delay at turnaround point exceeds 5 hours 100 miles in each direction is allowed, with overtime on each trip, and excluding the delayed time at turnaround point.

ARTICLE X, SUPPLEMENTS NOS. 24 AND 25.

Question 13. Under Article X, paragraph (*a*), as revised, if initial delay rules should be continued, what will be the application of a rule referring to initial delay only, under which pay has been earned for switching or other service performed, but with no reference in the rule to work or service performed?

Answer. As we understand the case, the schedule of the railroad in question contained an initial terminal delay rule under which employees were compensated for either or both delays or work at the initial terminal, and the question arises how work performed under such schedule rule would be compensated for?

Under the proposition payments would be confined to work performed, and rule would be modified accordingly.

Question 14. Does the proposition as submitted provide pay for work performed, duties required, or service performed at initial terminal? If so, would it not be wise to amplify revised Article X, paragraph (*a*), as follows:

"Excepting payments under rules referring to initial delays without specific reference to work performed or rules applying to work performed at initial and final terminals, etc."

Answer. The proposition intends to continue existing rules or practices covering work performed at initial terminals, such as switching, picking up cars, etc. This does not include preparatory work for the trip, such as engineers getting engines ready; conductors getting bills, checking trains, etc. The language as suggested could be construed to include advance calls, i. e., rules requiring engineers to report certain periods of time in advance of leaving the enginehouse or yards. The intent is that such conditions shall be taken care of by the management fixing the time for reporting for duty, which shall take cognizance of the preliminary work required of the engineers or conductors, and the conditions under which it must be performed.

With this explanation of the proposal it is felt that the language thereof more accurately expresses the intent than the suggestion contained in the inquiry.

Question 15. Where there are no rules in schedules for switching at initial or final terminal, how will men be compensated if required to perform switching service either at initial or final terminal?

Answer. The service will be compensated in the same manner as heretofore, viz, the time will be included in the time of the trip.

Question 16. For the purpose of uniformity, will you agree to grant final terminal delay rule on such roads as do not have a rule of this description?

Answer. This argument, which was advanced against the proposition as originally submitted, which provided for the elimination of final terminal delay rules, was that it was desired to preserve final terminal delay rules and rules covering work at final terminals as protection against improper practices and to preserve conditions at the final terminals. Where schedules contained no special provisions for final terminal delays, delays or switching must have been compensated for by the payment of overtime. With the payment of overtime on the time and one-half basis, a penalty is provided where none formerly existed; therefore it is not felt that there is justification for establishing final terminal delay rules where they did not exist.

Where this proposition changes a more favorable overtime basis, such as overtime based on the schedule of the train or time late on schedule, to the overtime basis of the order, and the former rules served to protect against delays in being released at the final terminal (no final terminal delay rule being in effect), it is the intent that a proper rule shall be arranged between the managements and

the representatives of the employees so as to insure against unnecessary detention at final terminals.

Question 17. A schedule provides that firemen delayed one hour or more in starting from a terminal will be paid hourly rates.

Answer. Rule eliminated by revised Article X (*a*).

Question 18. A schedule provides that after lapse of 30 minutes firemen will be paid for full delay at the end of trip, at overtime rate, according to class of engine, or minute basis. Final terminal delay computed from time engine reaches designated main track switch connecting with yard. If road overtime has commenced same is continuous to point of final relief and terminal overtime does not apply.

Answer. Rule retained subject to revised Article X, sections (*a*) and (*c*).

Question 19. A schedule provides that firemen required to do switching at terminals are paid full time providing the time exceeds 30 minutes.

Answer. Rule retained subject to revised Article X (*a*).

Question 20. A schedule provides that firemen running to Union Stock Yards at Chicago are paid hourly rates, with minimum of 2 hours from time way car passes Clyde Tower until relieved at roundhouse.

Answer. Rule retained. It is our understanding that the special allowance has been paid separately from the road trip, and therefore would be subject to revised Article X, section (*b*).

Question 21. A schedule provides that firemen called and not wanted (or not used) allowed minimum of 2 hours' pay for such call and stand first out.

Answer. Rule retained. See revised Article X, section (*c*).

Question 22. A schedule provides that if engine leaves roundhouse train minimum of day or 100 miles will be allowed.

Answer. Not affected.

Question 23. A schedule provides minimum of 2 hours for firemen when run-around.

Answer. Rule retained. See revised Article X, section (*d*).

Question 24. A schedule provides a minimum of 1 hour for doubling hill.

Answer. Rule eliminated. Mileage of double to be added to mileage of trip.

Question 25. A schedule provides payment of 1 hour (same as doubling) when engine is cut off to help another train over hill.

Answer. Rule eliminated. Mileage to be added to mileage of trip.

Question 26. A schedule provides arbitrary payment, with minimum of 1 hour for coaling engines by hand. This in addition to pay for trip.

Answer. Not affected, as work is not a part of the recognized duties of the employee.

Question 27. A schedule provides that firemen loading or unloading company material will be paid for such service at pro rata irrespective of time consumed on road.

Answer. Rule eliminated.

Question 28. (Duluth & Iron Range, firemen's schedule, sections 10 and 18) provide constructive mileage allowances between designated points. (These allowances are in effect part of the rate.)

Question 29. (Duluth, Missabe & Northern, constructive mileage.) In addition to rates shown in section 1, 10 miles per trip are allowed on all ore trains. (This does not show in schedule but it is in effect an increase in rates tabulated.)

Answer (questions 28 and 29). An examination of the schedules of the Duluth & Iron Range and Duluth, Missabe & Northern railroads shows plainly that they were devised to meet conditions which are peculiar to the character of service made necessary by the ore mines and mills which they serve. In many respects the schedules indicate that the railroads are operated as adjuncts to the commercial operations. Therefore to apply to their schedules principles intended for schedules applicable to the general railroad service would in all probability produce results contrary to those intended. To reply to a few questions out of the many which will unquestionably arise under the schedules would not accomplish any good purpose, as the schedules contain so many provisions which are peculiar to their operations and are not encountered in other schedules. Therefore we believe that no answers should be given which might prejudice the revision of the schedules due to the introduction of time and one-half for overtime.

Question 30. A schedule provides payment for switching at turning point, such time to be computed separately and paid for in addition to road time.

Answer. Turning point is an intermediate point; therefore under revised Article X, section (*a*), rule would be eliminated.

Question 31. A schedule provides payment for actual minutes consumed by through-freight crews loading or unloading stock, less than carload freight, turning engines, switching at sections en route, or other similar service.

Answer. Under revised Article X, section (*a*), rules would be eliminated.

Question 32. A schedule provides special or extra allowance for firemen for switching and hostling engines.

Answer. It is our understanding of the rule that the time allowed for switching or hostling engines at the designated points is paid separately when no overtime accrues; and that when overtime accrues the allowances are added to the straight time of the runs before overtime is paid; in other words, only the excess of overtime above the allowances is paid. Exception to the foregoing appears to apply at Dallas and East Dallas, where the allowances are paid separately from the time of the trip.

With this understanding of the application of the allowances excepting at Dallas and East Dallas, they extend the time of the road trip and therefore would be subject to revised Article X, sections (*a*) and (*d–l*). At Dallas and East Dallas they would appear to be subject to revised Article X, sections (*a*) and (*b*).

Question 33. A schedule provides that when firemen are required to clean fires a minimum of one hour will be paid for such service in addition to all other time or mileage made on trip or day's work; this includes yard and road service.

Answer. Rule retained. See answer to question 26.

Question 34. A schedule provides that enginemen required to assist in coaling engines, except in case of emergency, will be paid for actual time so engaged with minimum of one hour, such time to be deducted in computing overtime.

Answer. Rule retained. See answer to questions 26 and 33.

Question 35. A schedule provides that for going to stock yards at Chicago or South Omaha, 12½ miles per hour with a minimum of 30 miles. Time to begin for trip when train is on designated track at Chicago Transfer, Chicago; and South Avenue Yards, Council Bluffs. This 30-mile minimum will apply only to engineers arriving at Chicago Transfer or South Avenue Yards with stock yard commodities in train. Other engineers will be paid as for new trip.

Answer. See answer to question 20.

Question 36. A schedule provides that switching before beginning of first trip and after the completion of final trip and switching at turning point when only one round trip is made will be computed separately and paid for at one-eighth of the daily rate applying to class of engine, service, and district with a minimum of 63½ cents per hour on the minute basis. Irrespective of time on road. This time not to be counted in computing overtime.

Answer. Switching at turning point is covered by question 30. Rule applying to switching at initial and final terminals would be retained subject to revised Article X, sections (*a*) and (*b*).

Question 37. A schedule provides that when engineers are required to double on grades or run for fuel or water, 10 miles will be allowed for each double. When actual mileage exceeds 10, actual miles will be allowed, such mileage to be added to other mileage made on trip where mileage in the aggregate exceeds 100. time consumed doubling will not be counted in computing overtime.

Answer. Covered by answer to question 24.

Question 38. A schedule provides that when engineers are called for any service and not used they shall be allowed a minimum of 2 hours at 60 cents per hour, and at same rate for each additional hour held over 2 hours.

Answer. Covered by answer to question 24.

Question 39. A schedule provides that we have rules that provide for compensation for care of engines by crews at points where there is no watchman or hostler provided. In such cases the road overtime is not paid.

Answer. We are unable to identify the schedule rule referred to. The question states that the allowances are paid separately from road time. Therefore, they appear to be applied arbitrarily. Where the service is performed at initial or final terminals it would come within the provisions of revised Article X, sections (*a*) and (*b*). Where the service is performed at turnaround or intermediate point on a continuous trip, the allowance would be eliminated and the time included in the time of the trip.

Question 40. A schedule provides that engineers in main line freight service will not be required to do switching where switch engines are employed, except in cases of emergency; and when required to do switching at such points will

be paid overtime rate for hour consumed in switching, which is to be separate from road overtime. Thirty minutes to be regarded as 1 hour; 1 hour and 30 minutes as 2 hours, etc. Through freight engineers will not be required to classify their trains between terminals or be required to do switching after arrival at terminals, except in cases of emergency, and when required to do switching at such points will be paid therefor at overtime rates.

Answer. The rule shows that the allowances are paid separately from road overtime.

As to switching at initial or final terminals, the rule is preserved, as per revised Article X, sections (*a*) and (*b*).

Under revised Article X (*a*) the rule will no longer apply to switching at intermediate points and the time performing such switching will be included in the time of the trip.

Question 41. A schedule provides that except where otherwise provided in this agreement, when an engineman has been relieved after completing his day's work, and is afterwards recalled for any service, he has begun a new day's work and will be paid in accordance with the service performed. If an engineman is held on duty after arrival at his terminal for further service, he will be paid a minimum of 5 hours for such service. This article will not serve to prevent local freight crews at outlying points from properly placing their trains away where switch engines are not employed. This also will not serve to take off switch engines where now employed.

Answer. Not affected. The pay under the 5-hour provision will continue at former rates.

ARTICLE XI, SUPPLEMENTS NOS. 24 AND 25.

Question 42. A schedule provides new day in case a crew has arrived at its terminal after working 8 hours or making 100 miles and is called upon for additional service. This also applies in case of service performed before starting on regular trip.

Answer. Rule retained, subject to Article XI (*b*), otherwise no change, as the 2 days were allowed independently of each other. See revised Article X, sections (*a*) and (*b*).

Question 43. A schedule provides payment of additional day when firemen are required to make short runs in addition to their assigned service.

Answer. Rule retained, subject to Article XI (*b*), otherwise no change, as the 2 days are paid independently of each other.

Question 44. A schedule provides payment of additional day in case crews return to terminal after starting a trip after having reached distance of 10 miles or more.

Answer. Rule retained, subject to Article XI (*b*).

Question 45. A schedule provides that engineers assigned to logging service exclusively and used in other service will be allowed a minimum of 100 miles at the rate applying on the locomotive in the service and on the district where performed for each time so used. Time thus consumed to be excluded in computing overtime in logging service. Rules defining the completion of trip to govern for all service performed outside of the logging service assignments.

Answer. No change is required in the manner of calculating overtime in the logging service, but overtime so accruing shall be paid at time and one-half. Basis of payment for the other service is preserved.

Question 46. A schedule provides that where callers are employed engineers and firemen will be called 1 hour before their trains are booked to leave, provided they reside within 1 mile of the roundhouse or point where they take their engine. The caller will have a book, in which the engineer and fireman will register their names and record the time when called. Road time will commence 30 minutes previous to the time the engineer and fireman are called to leave, except at Savannah, Columbia, Spencer, Birmingham, Selma, Ala., Inman yard, Wamburg, Sheffield, and Macon. Engineers and firemen will be called at these points 1½ hours previous to the time their trains are booked to leave; road time will commence 30 minutes after engineers and firemen are called.

Answer. Portion of rule specifying when crews shall be called is not affected.

Portion specifying when road time will commence will be superseded by provision of revised Article XI (*a*), as follows: "All advance call-time rules are superseded, and the management may designate the time for reporting for duty."

Question 47. A schedule provides that engineers and firemen in road service except work-train service are required to report for duty 30 minutes before time of departure of trains. Road time of engineers and firemen engaged in through-freight service will begin 1 hour before the time set for departure of their trains.

Answer. Rule superseded by provision of revised Article XI (*a*), as follows: "All advance call-time rules are superseded, and the management may designate the time for reporting for duty."

ARTICLE XX, SUPPLEMENTS NOS. 24 AND 25.

Question 48. A schedule provides 100 miles for yard crews if required to go beyond switching district to do road work.

Answer. Rule superseded by revised Article XX (*b*).

Question 49. Under Article XX (*b*), when will road crews be considered as being available?

Answer. A road crew is available when rest is up and is subject to call.

ARTICLE XXII, SUPPLEMENT NO. 24—ARTICLE XXI, SUPPLEMENT NO. 25.

Question 50. A schedule provides that freight-train crews will be allowed regular freight-train rates for handling passenger trains or passenger equipment.

Answer. Rule is not eliminated, but if overtime is paid on the freight basis time and one-half would apply. If overtime is paid on the passenger basis time and one-half would not apply.

Question 51. A schedule provides that with trains of over 30 cars (exclusive of caboose) the practice of double heading will be discontinued, or double time allowed.

Answer. Rule is retained but as any overtime accruing under the rule would have to be paid for at double time, such basis is more favorable than time and one-half and therefore would not be still further increased.

Question 52. Certain schedules have workday guarantees 26 days per month for regular work-train service. Are such rules disturbed by the application of time and one-half?

Answer. No.

Question 53. How does the proposition apply in the following instances:

(*a*) Certain schedule provides a mileage allowance of 110 miles on a run of 95 actual miles in valley or level territory. This specification or item in the schedule is not coupled with any overtime rule, it being paid under the basic overtime rule at present.

Answer. With the understanding that the mileage allowance is not in the form of a trip rate, the allowance will be continued and overtime accruing will be paid at time and one-half.

(*b*) Certain schedule provides, on a run of 120 actual miles 125 miles will be allowed, with overtime after 10 hours, in level or valley territory. What mileage will be allowed in future and what will be the overtime basis?

Answer. With the understanding that the allowance is not in the form of a trip rate and the overtime limit of 10 hours being the equivalent of 125 miles at 12½ miles per hour, the overtime accruing would be paid at time and one-half.

(*c*) A certain schedule provides that on a turnaround run of 105 actual miles 120 miles are allowed, with overtime from time required for duty until released from duty at the end of return trip after 10 hours. What mileage will be allowed in future and what will be the overtime basis?

Answer. With the understanding that the mileage allowance is not in the form of a trip rate, no change in the mileage allowed or the overtime limit. Overtime accruing would be paid for at time and one-half.

(*d*) A certain schedule has a turnaround run of 105 actual miles, for which 120 miles are allowed. This item or special allowance appears in the schedule by itself and not coupled to any overtime rule. What will be the mileage allowance?

Answer. With the understanding that the mileage allowed is not in the form of a trip rate there would be no change therein. It is to be understood that the time and one-half rate for overtime will not apply where overtime accrues prior to eight (8) hours on duty, whether calculated on the allowed mileage or on the actual mileage.

The reservations as to trip rates in the answers to items (*a*), (*b*), (*c*), and (*d*), question 53, are based on Article IX (*a*), which requires that any monthly, daily, or trip bases shall be established upon the mileage basis and paid the rates according to the class of service and operated under the rules provided in the order. It is not intended to change the effectiveness of this provision.

Question 54. A schedule provides for time and one-half in snowplow service on hourly basis.

Answer. No change.

Question 55. A schedule provides that firemen handling circus trains are allowed 200 miles for each move.

Answer. Rule retained.

Question 56. A schedule provides for allowance of constructive or excess mileage over the actual mileage between designated points in mountain territory. This mileage allowance was adopted to provide increased rates in gradient territory over the valley rates.

Answer. Mileage differentials retained (see section (*b*) of revised Articles XXII of Supplement No. 24 and XXI of Supplement No. 25). It is to be understood that the time and one-half rate for overtime will not apply where overtime accrues prior to 8 hours on duty, whether calculated on the allowed mileage or the actual mileage.

Question 57. A schedule shows actual and allowed mileage between designated points, but overtime is based on the actual mileage.

Answer. Where excess mileage is retained per section (*b*) of revised Articles XXII of Supplement No. 24 and XXI of Supplement No. 25, the intent is to preserve former mileage for calculating overtime whether on allowed or on actual mileage with a minimum of 100 miles. It is to be understood that the time and one-half rate for overtime will not apply where overtime accrues prior to 8 hours on duty, whether calculated on the allowed mileage or on the actual mileage.

Question 58. A schedule provides payment for firemen on circus trains at through freight rates on basis of time and one-half.

Answer. No change. See answer to question 55.

Question 59. A schedule provides that in freight service of over 100 miles on mountain district, engineers will be paid 46 cents per 100 miles in addition to schedule rates.

Answer. This differential is preserved. See revised Article XXII, section (*b*), Supplement No. 24.

Question 60. A schedule provides that engineers exclusively assigned to helper service shall be allowed 100 miles at the rate applying to locomotive last used for each date on which no service is begun, excepting where engineer asks for rest, the hours extending to 12 o'clock midnight, the call time to be included.

Answer. Not affected.

Question 61. A schedule provides that engineers held for work-train service shall be allowed 100 miles at the minimum freight rate of the district for each day on which no service is begun. Sundays excepted when at division terminals or at bulletined tie-up points.

Answer. Not affected.

Question 62. A schedule provides that when, from any cause, more engineers are assigned to a certain run that can (per actual mileage of said run) make full time at the standard pay for service and division on which such runs occur, mileage in excess of actual miles run will be allowed sufficient to give such engineers full time. Full time as herein referred to shall be understood to mean 100 miles at the standard rate for the district and service for each engineer assigned to the run for each day per week that the train or trains are scheduled to run, but in no case under the provisions of this article shall an engineer receive less than full pay for six days per week, provided engineer is available for service on assigned or other runs. This article shall in no way apply to runs the daily number of trains composing which are uncertain.

In making up the weekly guarantee of engineers, the mileage so allowed will be paid at the rate applying on the locomotive on which last used.

Answer. Not affected.

Question 63. A schedule provides that when required to run Ledgerwood unloader or pile driver (other than self-propelled machine), a differential of $1 will be allowed, including Sundays, for period so assigned. No extra compensation will be paid if necessity requires use of piling machine or Ledgerwood on Sundays. When the fireman is required to handle the locomotive during the

time the engineer is running the above-mentioned machines he is paid under the rule a differential of $1.

Answer. Not affected.

Question 64. A schedule provides that steam propelled machine will be paid $7.48 per day, Sunday included, and will be paid for each calendar day the machine is not at work, unless permanently discontinued.

Answer. Not affected.

Question 65. A schedule provides that regular assigned crews on local freight trains will be paid for each calendar working day held, when not called for their runs out of home terminal and will not be used in other service until extra board has been exhausted.

Answer. Not affected. See also answers to questions 60, 61, and 62.

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